Appendix F

- **Insignificant Activities List**
- **Q&As on Portable Equipment**

PRELIMINARY DRAFT

September 29, 1998

Model List of Insignificant Activities For Title V Permit Programs

Table of Contents

244

Table of Contents (Continued)

145

A. General Criteria for Insignificant Activities

An insignificant activity is any activity, process, or emissions unit which is not subject to a source-specific requirement of a State Implementation Plan, preconstruction permit, or federal standard[1] and which: 1) meets the "Criteria for Specific Source Categories" below; or 2) emits no more than 0.5 tons per year of a federal hazardous air pollutant (HAP)[2] and no more than two tons per year of a regulated pollutant that is not a HAP.

B. Criteria for Specific Source Categories

1. Fugitive Emissions Sources Associated With Insignificant Activities

   Any valves, flanges, and unvented (except for emergency pressure relief valves) pressure vessels associated with an insignificant activity on this list.

   Justification: Insignificant air pollutant emissions from this source

2. Combustion and Heat Transfer Equipment

   a. Any combustion equipment, other than a gas turbine, that has a maximum heat input rating of no more than five million British thermal units (mmBtu) per hour (gross) and is equipped to be fired exclusively with natural gas, liquefied petroleum gas, or any combination thereof, provided the fuel contains no more than five per cent by weight of hydrocarbons heavier than butane (as determined by American Society for Testing and Materials (ASTM) test method E-260-73) and no more than 0.75 grains of total sulfur per 100 cubic feet of gas (as determined by ASTM test method D-1072-80).

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[1] Federal standards include: 40 CFR Parts 50 (New Source Performance Standards), 61 (National Emission Standards for Hazardous Air Pollutants, 63 (National Emission Standards for Hazardous Air Pollutants for Source Categories).

[2] HAPs are toxic substances listed pursuant to Section 112(b) of the Federal Clean Air Act.

7/16

Justification:
100 lb NOx/10^6ft^3 * 5 mmBtu/hr/1,050 mmBtu/10^6ft^3 = 0.5 lb NOx/hr
(Reference AP-42)

b. Any gas turbine with a maximum heat input rating of no more than three mmBtu per hour at International Organization for Standardization (ISO) standard day conditions.

Justification:
0.698 lb NOx/mmBtu * 3 mmBtu/hr = 2.1 lb NOx/hr or 9.2 TPY
(Reference AP-42)

The Workgroup has not been able to reach consensus regarding whether or not this should be considered an insignificant activity in a severe non-attainment area.

c. Any piston-type internal combustion engine (ICE) with a manufacturer's maximum continuous rating of no more than 50 braking horsepower (bhp).

Justification:
14 g NOx/hp-hr * 50 hp/454 g/lb = 1.5 lb NOx/hr
(Reference AP-42)

d. Any ICE which emits no more than 2 tons per year of NOx and is operated solely for the purpose of: 1) providing power when normal power service fails (service failure does not include voluntary power reductions); or 2) the emergency pumping of water.

Justification:
14 g NOx/hp-hr * 300 bhp * 100 hr/yr/454 g/lb/2,000 lb/ton = 0.46 tons NOx/yr
(Reference AP-42)

e. Any non-electric space heater that is not a boiler.

Justification:
94 lb NOx/10^6ft^3 * 60,000,000 Btu/hr * 720 hr/yr/1,000 Btu/scf = 2 tons NOx/yr
Note: An electric space heater should be considered a trivial activity.

-47

f. Any kiln used exclusively for firing ceramic ware, provided fuel oil is not used to fire the kiln.

Justification: Insignificant air pollutant emissions from this source

The Workgroup has not been able to reach consensus regarding whether or not this insignificant activity should, as a result of process-weight requirements, include a discharge, throughput, or production limitation.

3. Cooling Towers

Any water cooling tower which: 1) has a circulation rate of less than 10,000 gallons per minute; and 2) is not used to cool process water, water from barometric jets, or water from barometric condensers.

Justification:
0.019 lb PM10/1,000 gal/min * 10,000 gal/min * 60 min/hr * 0.10 = 1.14 lb PM10/hr

4. Printing and Reproduction Equipment

a. Any printing, coating, or laminating activity which uses no more than two gallons per day of graphic arts materials, including: inks, coatings, adhesives, fountain solutions, thinners, retarders, or cleaning solutions.

Justification: 7.5 lb VOC/gal * 2 gal/day = 15 lb VOC/day

b. Any photographic process equipment, and control equipment venting such equipment, which reproduces images upon material sensitized to radiant energy.

Justification: Insignificant air pollutant emissions from this source

c. Any laser printing equipment.

Justification: Insignificant air pollutant emissions from this source

5. Food Processing Equipment

a. Any mixer or blender in a food processing operation.

145

Justification: Insignificant air pollutant emissions from this source

The Workgroup has not been able to reach consensus regarding whether or not this insignificant activity should, as a result of process-weight requirements, include a discharge, throughput, or production limitation.

b. Any oven in a food processing operation where less than 1,000 pounds of product are produced per day of operation.
Justification:
13.7 lb VOC/2,000 lb product * 1,000 lb product = 6.9 lb VOC/day
(Reference AP-42)

c. Any equipment, including any associated control equipment venting, used exclusively to grind, blend, or package tea, cocoa, spices, or roasted coffee.

Justification: Insignificant air pollutant emissions from this source

The Workgroup has not been able to reach consensus regarding whether or not this insignificant activity should, as a result of process-weight requirements, include a discharge, throughput, or production limitation.

d. Any smokehouse in which the maximum horizontal inside cross section area does not exceed 20 square feet.

Justification:
0.3 lb PM10/ton of meat * 1 ton /day = 0.3 lb PM10/day
0.6 lb CO/ ton of meat * 1 ton/day = 0.6 lb CO/day
(Reference AP-42)

e. Any confection cooker, and associated venting or control equipment, cooking edible products intended for human consumption.

Justification: Insignificant air pollutant emissions from this source

6. Plastic and/or Rubber Processing

a. Any equipment or activity used for foam manufacturing or application, fiberglass reinforced plastic fabrication, or plastics manufacturing, provided no more than five pounds of volatile organic compounds (VOCs) are emitted per day.

.49

Justification: 5 lb VOC/day is an insignificant level of air pollutant emissions from this source

The Workgroup has not been able to reach consensus regarding whether or not this insignificant activity should, as a result of process-weight requirements, include a discharge, throughput, or production limitation.

b. Any hot-wire cutting of expanded polystyrene foam, provided such cutting is limited to packaging operations.

Justification: 20 cuts/day * 0.27 lb VOC/cut = 5.4 lb VOC/day
[San Diego APCD emission factor based on BASF Wyandotte Corporation industrial hygiene tests]

c. Any equipment used exclusively for the extrusion or compression molding of rubber or plastics, provided no plasticizer or blowing agent is used.

Justification: Insignificant air pollutant emissions from this source

d. Any equipment used exclusively to pelletize foam scraps, provided such scraps do not contain acrylics, polyvinyl chloride, polystyrene, or their copolymers.

Justification: Insignificant air pollutant emissions from this source

The Workgroup has not been able to reach consensus regarding whether or not this insignificant activity should, as a result of process-weight requirements, include a discharge, throughput, or production limitation.

e. Any oven used exclusively for curing, softening, or annealing plastics except for ovens used to cure fiberglass reinforced plastics.

Justification: Insignificant air pollutant emissions from this source

7. Storage Containers, Reservoirs, and Tanks - Fuel, Fuel Oil, Asphalt

a. Any temporary storage of gasoline in flexible containers to support equipment responding to an emergency or for the purposes of training to support such equipment.

250

Justification:
11.5 lb VOC/1,000 gal transferred * 5,000 gal * 2 transfers/yr = 115 lb VOC/yr

b. Any equipment with a capacity of no more than 1,500 gallons used exclusively for the storage of gasoline.

Justification:
Breathing losses =
30.5 lb VOC/1,000 gal capacity * 1,500 gal capacity = 45.8 lb VOC/yr
Working losses =
10 lb VOC/1,000 gal throughput * 12,000 gal throughput/yr = 120 lb VOC/yr
Total losses = 0.08 ton VOC/yr

c. Any equipment with a capacity of no more than 19,800 gallons (471 barrels) used exclusively for the storage of petroleum distillates used as motor fuel with specific gravity 0.8251 or higher [40° American Petroleum Institute (API) or lower] as determined by API test method 2547 or ASTM test method D-1298-80.

Justification: 0.03 lb/1,000 gal throughput
(Reference U.S. EPA 450/4-90-003)

d. Any equipment used exclusively for the storage of fuel oils or non-air-blown asphalt with specific gravity 0.9042 or higher (25° API or lower) as determined by API test method 2547 or ASTM test method D-1298-80.

Justification: 0.03 lb/1,000 gal throughput
(Reference U.S. EPA 450/4-90-003)

8. Storage Containers, Reservoirs, and Tanks - General Organic and VOC-containing Material

a. Any equipment used exclusively for the storage of unheated organic material with: 1) an initial boiling point of 150° Centigrade (C) [302° Fahrenheit (F)] or greater as determined by ASTM test method 1078-86); or 2) a vapor pressure of no more than five millimeters mercury (mmHg) [0.1 pound per square inch (psi) absolute] as determined by ASTM test method D-2879-86.

Justification:
0.39 lb VOC/1,000 gal storage capacity-yr * 10,000 gal stored = 3.9 lb VOC/yr

251

0.007 lb VOC/1,000 gal storage capacity-yr
(Reference U.S. EPA 450/4-90-003 for propylene glycol

b. Any equipment with a capacity of no more than 250 gallons used exclusively for the storage of unheated organic liquid.

Justification:
30.5 lb VOC/1,000 gal storage capacity-yr * 250 gal capacity = 7.62 lb VOC/yr
17.9 lb VOC/1,000 gal storage capacity-yr * 250 gal capacity = 4.5 lb VOC/yr
(Reference U.S. EPA 450/4-90-003 for carbon tetrachloride)

c. Any equipment with a capacity of no more than 6,077 gallons used exclusively for the underground storage of unheated organic liquid with a vapor pressure no more than 75 mm Hg (1.5 psi absolute) as determined by ASTM test method D-2879-86.

Justification:
3.6 lb VOC/1,000 gal storage capacity-yr * 6,077 gal capacity = 21.9 lb VOC/yr

d. Any transport, delivery, or cargo tank or equipment on vehicles used to deliver VOC-containing material.

Justification:
0.005 lb VOC/1,000 gal
(Reference U.S. EPA 450/4-90-003)

9. Storage Containers, Reservoirs, and Tanks - Inorganic Materials

Any equipment used exclusively for the storage of fresh, commercial or purer grade of:
1) sulfuric or phosphoric acid with acid content of no more than 99 per cent by weight; or
2) nitric acid with acid content of no more than 70 per cent by weight.

Justification: Insignificant air pollutant emissions from this source

10. Storage Containers, Reservoirs, and Tanks - Oil, Oil-related Materials

a. Any equipment with a capacity of no more than 4,200 gallons (100 barrels) used exclusively to store oil with specific gravity 0.8762 or higher (30° API or lower) as measured by API test method 2547 or ASTM test method D-1298-80.

Justification:
5.8 lb VOC/1,000 gal storage-yr * 4,200 gal = 24 lb/yr
Reference: U.S. EPA 450/4-90-003

b. Any equipment storing or processing clean produced water below the oil-water interface.

Justification: Insignificant air pollution emissions from this source.

c. Any portable tank which stores produced fluids for less than six months at any single location.

Justification:
5.8 lb VOC/1,000gal stored * 10,000 gal = 58 lb VOC/yr
Reference: U.S. EPA 450/4-90-003

The Workgroup has not yet reached consensus. Investigation of emission factors for containers, reservoirs, and tanks of crude oil/produced fluids is in progress.

11. Storage Containers, Reservoirs, and Tanks - Liquefied Gases

Any equipment used exclusively for the storage of liquified gases in unvented (except for emergency pressure-relief valves) pressure vessels.

Justification: Insignificant air pollutant emissions from this source

12. Compression and Storage of Dry Natural Gas

Any equipment used exclusively to compress or hold dry natural gas. Any ICE or other equipment associated with the dry natural gas should not be considered an insignificant activity unless such ICE or other equipment independently qualifies as an insignificant activity.

Justification: Insignificant air pollutant emissions from this source.

13. Transfer Equipment

a. Any transfer equipment when used with the equipment described in 7-11, above.

253

Justification: Please see justification for 7-11, above

b. Any equipment used exclusively to transfer crude oil, asphalt, or residual oil from a delivery vehicle.

Justification: 0.03 lb/1,000 gal transferred
(Reference U.S. EPA 450/4-90-003)

c. Any equipment used exclusively for the transfer of crude oil with 0.8762 specific gravity or higher (30 degrees API or lower) as measured by API test method 2547 or ASTM test method D-1298-80.

Justification: Transfer emissions for heavy crude oil are much less than 1 lb/1,000 gal

d. Any equipment used exclusively for the transfer of less than 4,000 gallons per day of: 1) unheated organic material with an initial boiling point of 150° C (302°F) or greater as determined by ASTM test method D-86; or 2) fuel oil with 0.8251 specific gravity or higher (40° API or lower) as determined by API test method 2547 or ASTM test method D-1298-80.

Justification: Less than 0.03 lb/1,000 gal transferred
(Reference U.S. EPA 450/4-90-003)

14. Adhesive Application

Any adhesive operation in which no more than 173 gallons of adhesives are applied in a consecutive 12-month period.

Justification: 11.1 lb VOC-HAP/gal* 0.52 * 173 gal/year = 0.5 TPY VOC-HAP

**Note: Districts with SIP-approved adhesive rules should determine if insignificant adhesive application at a Title V facility should be less than 173 gallons/year.*

15. Surface Coating

a. Any equipment or activity using no more than one gallon per day of surface coating, or any combination of surface coating and solvent, which contains either VOC or hazardous air pollutants (HAP), or both.

254

Justification: 7.5 lb VOC/gal * 1 gal/day = 7.5 lbVOC/day

b. Any coating operation using less than 10, 950 gallons per year of coating(s) that contain less than 20 grams of VOC per liter.

Justification: 0.16 lb VOC/gal * 10,950 gal/year = 1,752 lb VOC/yr

16. Solvent Cleaning

a. Any equipment or activity using no more than one gallon per day of solvent, or combination of solvent and surface coating, which contains either VOC or HAP, or both.

Justification: 7.5 lb VOC/gal * 1 gal/day = 7.5 lb VOC/day

b. Any unheated, non-conveyorized cleaning equipment (not including control enclosures): 1) which has an open surface area of no more than 10.8 square feet (2 square meters) and internal volume of no more than 92.5 gallons; 2) which uses organic solvents with an initial boiling point of 302° F or greater as determined by ASTM test method 1078-78; and 3) from which the owner or operator can demonstrate, through solvent purchase and use records, that less than 25 gallons per year of solvent was lost exclusive of solvent loss from recycling or disposal.

Justification:
7.5 lb VOC/gal solvent * 25 gal solvent/yr/2,000 lb/ton = 0.094 ton VOC/yr

c. Any solvent wipe cleaning provided such cleaning: 1) utilizes a container applicator to limit emissions (e.g., squeeze containers with narrow tips, spray bottles, dispensers with press-down caps, etc.; and 2) occurs at a facility which emits no more than five tons VOC (uncontrolled emissions) per calendar year from all solvent wipe-cleaning operations or which purchases no more than 1,500 gallons of solvent per calendar year.

Justification: Less than 5 tons VOC per calendar year

17. Abrasive Blasting

a. Any blast cleaning equipment using a suspension of abrasive material in water and the control equipment venting such blast cleaning equipment.

65

Justification: Insignificant air pollutant emissions from this source

b. Any abrasive blast room when vented to a control device that discharges back to the room.

Justification: Insignificant air pollutant emissions from this source.

18. Vacuum-cleaning Systems

Any vacuum-cleaning system used in the manufacturing process.

Justification: Insignificant air pollutant emissions from this source
Note: A vacuum-cleaning system that is not used in the manufacturing process would be considered a trivial activity (plant maintenance and upkeep - cleaning).

The Workgroup has not been able to reach consensus regarding whether or not this insignificant activity should, as a result of process-weight requirements, include a discharge, throughput, or production limitation.

19. Brazing, Soldering, Welding, and Cutting Torches

Any brazing, soldering, welding, or cutting torch equipment used in manufacturing and construction activities and with the potential to emit hazardous air pollutant (HAP) metals, provided the total emissions of HAPs do not exceed 0.5 tons per year.

Justification: Less than 0.5 tons per year of total HAPs
Note: U.S. EPA's List of Trivial Activities says brazing, soldering, and welding associated with maintenance is a trivial activity. Such activity performed as part of the manufacturing process is also a trivial activity, provided no metal HAPs are emitted.

20. Solder Leveler, Hydrosqueegee, Wave Solder Machine, or Drag Solder Machine

Any solder leveler, hydrosqueegee, wave solder machine, or drag solder machine which uses less than an average of 10 pounds/day of any VOC-containing material.

Justification: Less than 10 pounds/day of VOC

256

21. Metal Products

a. Any equipment, and associated control equipment, used exclusively for the inspection of metal products.

Justification: Insignificant air pollutant emissions from this source.

b. Any metal or ceramic deposition spray gun which sprays material that does not contain chromium, lead, or nickel.

Justification: Insignificant air pollutant emissions from this source.

The Workgroup has not been able to reach consensus regarding whether or not this insignificant activity should, as a result of process-weight requirements, include a discharge, throughput, or production limitation.

22. Aerosol Can Puncturing or Crushing

Any aerosol can puncturing or crushing operation that processes less than 500 cans per day, provided such operation uses a closed loop recovery system.

Justification: 0.02 lb VOC/aerosol can * 500 aerosol cans/day = 10 lb VOC/day
[San Diego County APCD emission factor based on saturated vapor in aerosol can]

23. Cosmetic Production and/or Blending

Any cosmetic manufacturing operation that produces and/or blends materials which emit less than an average of 15 pounds of VOCs per day.

Justification: 15 lb VOC/day * 365 days/year = 5,475 lb VOC/year

The Workgroup has not been able to reach consensus regarding whether or not this insignificant activity should, as a result of process-weight requirements, include a discharge, throughput, or production limitation.

24. Biotechnology Manufacture

Provided the total uncontrolled VOC emissions from any biotechnology manufacturing facility does not exceed five tons per year, any equipment used in the manufacture of:

257

a. Biotechnology pharmaceutical products used exclusively in federal Food and Drug Administration (FDA)-approved clinical trials;

b. Biomedical devices and diagnostic kits used exclusively in FDA-approved clinical trials and laboratory failure analysis testing; or

c. Bioagricultural products for exclusive use in field testing required to obtain FDA, U.S. EPA, United States Department of Agriculture (USDA), or California Environmental Protection Agency (Cal-EPA) approval.

Justification: No more than 2 tons VOC/year

25. Textile Dyeing, Stripping, or Bleaching

Any equipment used for dyeing, stripping, or bleaching textiles, provided no organic solvents, diluents, or thinners are used.

Justification: Insignificant air pollutant emissions from this source

26. Laboratory Fume Hoods and Vents

Any laboratory fume hood or vent, provided such equipment is used exclusively for the purpose of teaching, research, or quality control.

Justification: Insignificant air pollutant emissions from this source
Note: According to the U.S. EPA's List of Trivial Activities, many lab fume hoods or vents might qualify for treatment as insignificant

27. Refrigeration Units

Any refrigeration unit provided the unit: 1) contains less than 50 pounds of refrigerant; and 2) is not used in conjunction with air pollution control equipment.

Justification: Insignificant air pollutant emissions from this source.

TITLE V PERMITTING OBLIGATIONS REGARDING PORTABLE EQUIPMENT

September 30, 1998

Introduction

The United States Environmental Protection Agency, Region IX (U.S. EPA or Region IX), and the California Air Resources Board (ARB or the Board) recognize that the air pollution control districts have numerous questions about how to treat portable equipment with respect to the Title V operating permits program. The responses below address district concerns related to the State registration program for portable equipment adopted by the Board on March 27, 1997 (CCR Title 13 Sections 2450-2465, September 17, 1997) as well as district concerns that pre-date the State registration program. The primary references used to prepare the responses were: 40 CFR Part 70 (July 21, 1992), the U.S. EPA's "White Paper for Streamlined Development of Part 70 Permit Applications" (White Paper 1, July 10, 1995) Section II.B.5. Short-term Activities, and the ARB's "Regulation to Establish a Statewide Portable Equipment Registration Program (CCR Title 13 Sections 2450-2465, September 17, 1997).

Definitions

For the purpose of the Questions and Answers below:

"Associated equipment" is portable equipment that emits air pollutants over and above those emitted by the portable engine with which it is associated;

"Non-engine equipment" is portable equipment that is not associated with a portable engine, e.g., portable boilers;

"Portable" has the same definition as the term has in the ARB's "Regulation to Establish a Statewide Portable Equipment Registration Program" (CCR Title 13 Section 2450-2465, September 17, 1997) - see Attachment 1; and

"Portable engine" is an internal combustion engine that meets the ARB's "Regulation to Establish a Statewide Portable Equipment Registration Program" (CCR Title 13, Sections 2450-2465, September 17, 1997) definition of "portable" - see Attachment 1.

Questions and Answers

A. Portable Equipment Emissions in Major Source Determinations

1. What portable equipment emissions <u>should</u> be attributed to a facility that is being evaluated as a possible Title V facility?

A major facility determination for the purposes of Title V must include emissions from all stationary sources at the facility or site. Regardless of the State-registration status of the portable equipment operated at a facility, associated and non-engine equipment emissions are considered stationary source emissions and must be included in the major facility determination. Clearly, any emissions from associated or non-engine equipment that is exclusively located or operated at a facility must be included. In addition, emissions from the temporary operation of contractor-owned associated or non-engine equipment must be included.[1]

Since contractor-owned associated or non-engine equipment often generates emissions at several different facilities throughout the year, only emissions generated at the facility under evaluation should be included when determining whether or not the facility is major. Therefore, the potential to emit for the facility should include the associated or non-engine equipment's potential to emit only for that time period that the equipment is located at the facility (typically, the duration of the contract between the facility and the contractor).

In addition, facilities vary in their ability to anticipate and estimate emissions from the use of contractor-owned associated or non-engine equipment because, during the lifetime of any given facility, contracted activities may occur once, infrequently, or at irregular intervals. Indeed, some contracted activities can not be predicted at all. In recognition of these uncertainties, the districts should use the most recent year, or the most recent representative year, of complete emission source data as a guide in determining the contractor-owned associated or non-engine equipment emissions that should be included in a major facility determination.

While the State portable equipment registration program exempts military tactical support equipment, including turbines, from Title V and new source review applicability, the U.S. EPA has indicated that emissions from State-registered turbines must be counted towards applicability. To address this conflict with respect to Title V, the military has submitted

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[1] See letter from John Seitz, Director, Office of Air Quality Planning and Standards, to Lisa Thorvig, Division Manager, Minnesota Pollution Control Agency, dated November 16, 1994; U.S. EPA Memorandum, "Major Source Determinations for Military Installations Under the Air Toxics, New Source Review, and Title V Operating Permit Programs of the Clean Air Act (Act)," dated August 2, 1996 (Attachment 1, ppg. 9 and 10).

information to the U.S. EPA on the effect of including emissions from State-registered turbines used exclusively for military tactical support or other federal emergency purposes in determining major source status. The military's intention is to demonstrate that these emissions would not cause any otherwise non-major California military sources to be subject to Title V requirements. U.S. EPA is currently reviewing these demonstrations.

2. What portable equipment emissions <u>should not</u> be attributed to a facility that is being evaluated as a possible Title V facility?

For the purposes of Title V, major facility determinations are not required to include emissions from portable engines. Please see section F.2. for more information.

3. A corporation, agency, or other entity may use associated or non-engine equipment at a number of different facilities or sites that it owns or manages. How should the emissions from the equipment be allotted when determining whether or not each facility or site is major?

Provided the different facilities or sites are not on contiguous or adjacent property, emissions from the associated or non-engine equipment should be apportioned to each facility or site based on the equipment's availability to operate at each facility or site.

4. What if contractor-owned associated or non-engine equipment triggers Title V requirements, but is removed from the facility before a Title V permit is issued? The use of associated or non-engine equipment cannot always be anticipated.

A facility or site is subject to Title V if its potential to emit meets or exceeds the major source threshold at any one time, regardless of whether or not recurrence of such a potential to emit is either likely or predictable. To avoid Title V, the owner/operator of a non-major facility or site should consider voluntary restrictions (e.g., synthetic minor permit conditions) to limit potential emissions to levels below major source thresholds. Such limits would apply whether or not associated or non-engine equipment is in operation.

When an owner/operator of a non-major facility or site finds that unanticipated use of contractor-owned associated or non-engine equipment has resulted in major emissions, he or she should consult with the district regarding submittal of a Title V permit application. Under the July 21, 1992 Part 70 regulation and most district Title V rules, a newly created Title V source is allowed up to 12 months of operation before submittal of a Title V permit application and associated or non-engine equipment often does not remain on site for this entire period. Therefore, the district may use its discretion to choose whether to require a Title V application or some other regulatory mechanism. For example, a Title V permit application or limits on potential to emit may be required if major source emission levels are likely to recur. Even if no Title V permit is required, the temporary operation of associated or non-engine equipment at the

site is usually regulated under a district-issued authority-to-construct or the State portable equipment registration program.

When associated or non-engine equipment is employed at a facility on a routine basis and causes the facility to exceed the major source threshold, a Title V permit would be required.

B. Title V Applications and Permit Conditions

1. What information should the Title V application and permit include for associated or non-engine equipment that is not registered by the State?

The response to this question is based on the U.S. EPA's White Paper 1 (July 10, 1995) guidance for short-term activities. In White Paper 1, the U.S. EPA indicated that short-term activities that do not have source-specific requirements and which are not present at the facility during preparation of the permit could be treated generically. White Paper 1 discusses the generic treatment of activities and emission units.

Also, White Paper 1 indicates that associated or non-engine equipment/activities that have been designated and approved by the U.S. EPA as "trivial" or, on a case-by-case basis, have been determined by the district to be similar to activities listed in White Paper 1 Attachment A, "List of Activities that May Be Treated as 'Trivial'," can be omitted from the Title V application. Certain equipment/activities that are not trivial can be identified as insignificant in the district's U.S. EPA-approved Title V program. Information about insignificant equipment/activities need not be included in the permit application unless: 1) the equipment is defined as insignificant based on size or production rate, 2) information about the equipment is necessary to determine the applicability of, or to impose, any applicable requirement, or 3) information about the equipment is necessary to determine Title V permit fees. In such cases, the permit application may simply list the insignificant equipment/activity and include sufficient information to make the necessary determinations.

a. <u>No Applicable Requirement</u>

Associated or non-engine equipment not subject to any applicable requirements need not be addressed in the Title V permit. However, in California, we expect that most units will be subject to at least one generally-applicable requirement, such as SIP-approved district opacity or process-weight rules (see b. or c. below).

b. <u>Infrequent Activity and Applicable Requirements</u>

If there is an applicable requirement and the associated or non-engine equipment activity is infrequent and of short duration, the Title V application and permit must at a minimum include

a generic requirement or condition that need not refer to any individual emissions unit or activity, e.g., "Any equipment, including portable equipment, shall comply with all applicable requirements while operating at the facility." A general condition addressing an applicable requirement should, when appropriate, clearly indicate the type of activities or emission units subject to the requirement. For example, a general condition addressing a SIP-approved process-weight rule should indicate that the requirement applies to activities involving the handling of materials (grains, minerals, wood chips, etc.).

c. Permanently Located Equipment or Frequent Activity and Applicable Requirements

If there is an applicable requirement and the associated or non-engine equipment is either permanently located at the facility or is not permanently located at the facility but operates frequently on-site, the Title V application and permit must either: 1) include a generic requirement or condition (see B.1.b. above), or 2) if necessary to assure compliance, specifically identify the associated or non-engine equipment and the applicable requirement.

2. What information should the Title V application and permit include for associated or non-engine equipment that is registered by the State?

a. No Applicable Requirement

Please see B.1.a. above.

b. Infrequent Activity, Applicable Requirement

If there is an applicable requirement and the associated or non-engine equipment activity is infrequent and of short duration, the Title V application and permit must include a generic requirement or condition stating a general duty to comply with State registration requirements, e.g., "State-registered portable equipment shall comply with State registration requirements. A copy of the State registration shall be readily available whenever the portable equipment is at the facility."

c. Frequent Activity, Applicable Requirement

If there is an applicable requirement and the associated or non-engine equipment activity is frequent, the Title V application and permit must either include the generic requirement to comply with State registration requirements (see B.2.b. above) alone, or specify the portable equipment activity as well as include the generic requirement to comply.

The State registration requirements are federally-enforceable when the equipment operates at a Title V facility and the Title V permit contains the condition described in B.2.b. By

law [H&SC 41753(b)], districts can neither permit State-registered portable equipment nor enforce any requirements beyond the State registration. We expect State registration requirements to address the majority of applicable requirements; however, there may be SIP-approved district requirements, e.g., process weight requirements, that are not specifically addressed. Please see section F.1. for more information.

C. Title V Permit Revision

1. When should a Title V permit be revised to address associated or non-engine equipment?

A Title V facility change involving associated or non-engine equipment could potentially require a permit revision, for example: if the change conflicts with the permit, triggers an applicable requirement that is not already addressed in the permit, or causes emissions to exceed new source review (NSR) or prevention of significant deterioration (PSD) thresholds. However, most changes in associated or non-engine equipment at a Title V facility would not require a permit revision or would be handled "off permit," provided operation of the equipment would not violate any existing federally-enforceable permit terms or conditions and are not Title I modifications. A Title V permit revision would not be necessary for associated or non-engine equipment activity that is not specifically identified in the Title V permit and is already subject to federally-enforceable requirements addressed in general Title V permit conditions (See B.1. and 2.). Portable equipment activity that will be specified in the permit but does not constitute a major modification may be handled "off permit" pursuant to Part 70.4(b)(14) (July 21, 1992) provided no new applicable requirements are identified. The facility is responsible for contemporaneous notice of off-permit equipment changes to the district and U.S. EPA and the activity should be specified in the permit at the first opportunity, i.e., permit renewal or a related permit revision.

"Off permit" treatment requires advanced planning with respect to changes involving State-registered associated or non-engine equipment. According to State law [H&SC Section 41753(b)], the districts can neither permit State-registered portable equipment nor enforce requirements beyond those contained in the State registration. Therefore, if the owner/operator of a Title V facility can foresee the use of State-registered associated or non-engine equipment, we suggest that the permit for the facility should include a generic condition requiring compliance with the State registration and a copy of the State registration should be readily available (see B.2.b.). The State registration should address the majority of applicable requirements (see section F.1.).

When the operation of associated or non-engine equipment results in a major modification under Part C or D of the Clean Air Act, district Title V rules (please check your district's rule) <u>may</u> allow up to 12 months of operation before submittal of a Title V permit

revision application provided no existing Title V permit terms or conditions would be violated. Typically, such equipment would be regulated under a district-issued authority-to-construct or State registration and would leave the facility or site before the 12-month Title V permit revision application deadline. However, if such activity is anticipated to occur again, the owner or operator should consider submitting a Title V application with an alternative operating scenario that covers it. Any associated or non-engine equipment that is used frequently and/or returns on a predictable or foreseeable basis must be included (see section B., Title V Applications and Permit Conditions) in the Title V permit at renewal, or if the permit is otherwise reopened.

D. Compliance Certification and Liability for Non-compliance

1. If associated or non-engine equipment is owned and operated by a contractor, who must certify that the equipment is complying or not complying with Title V permit conditions?

The U.S. EPA requires the responsible official of the Title V facility to certify compliance with all applicable federally-enforceable permit conditions, including conditions for contractor-owned associated or non-engine equipment operating at the facility. These are most likely to be general conditions that do not specify the portable equipment. As a condition of the contract, the facility owner or operator may require the contractor to certify the compliance status of his or her equipment. Provided that the contractor's certification specifically identifies each piece of portable equipment and the applicable conditions in the Title V permit, such certification may serve as the primary basis for the responsible official's certification. In addition, the facility owner or operator may investigate other contract options, e.g., an indemnity provision. However, a contractor's certification or indemnity provision does not relieve the Title V facility from liability for non-compliant contracted equipment. It is advisable that the Title V facility request the certification statement covering the time period during which the portable equipment is under contract.

E. Responsibility for Fees

1. Who is responsible for paying Title V fees on emissions from contractor-owned associated or non-engine equipment?

The owner/operator of the Title V facility is responsible for fees on all emissions generated at the facility, unless the associated or non-engine equipment is registered in the State portable equipment registration program. State law prohibits districts from charging fees (other than enforcement fees) for State-registered portable equipment. If the State portable equipment registration program seriously impacts a district's Title V fee revenues, the district must submit a Title V program revision adjusting its Title V fee schedule such that adequate funding for its Title V program is maintained.

F. Unresolved and Other Issues

1. What conflicts remain between the Statewide portable equipment program and Title V?

Under State law, portable equipment owners/operators must choose between two mutually-exclusive alternatives: either to have their equipment permitted by the district or registered by the State. The State registration program, which prohibits districts from permitting, registering, or otherwise regulating ARB-registered portable equipment, poses a problem for districts with permitting, SIP, or other applicable requirements that are not addressed by State registration, since Title V requires all applicable requirements to be included in the Title V permit. U.S. EPA is required to object to Title V permits that do not contain all applicable requirements.

Regardless of the associated or non-engine equipment's registration status, the Title V facility is liable for the equipment's compliance with all of the aforementioned requirements (including any preconstruction review and permitting requirements) for the entire time period that the equipment is on site (see D.1., above). Sources failing to comply with federal requirements may be subject to EPA enforcement action or citizen suits. Serious failures to comply with the SIP could result in EPA action under 113(a)(5).

2. What is the regulatory status of portable engines?

The U.S. EPA recently determined that all portable engines, regardless of date of manufacture, are nonroad engines.[2] States and local agencies are preempted from setting emission standards for nonroad engines, regardless of date of manufacture. (California may apply to U.S. EPA for a waiver from this preemption.) If a district formerly used the preempted limits to meet SIP emission reductions, it must require commensurate emission reductions to compensate. While emission standards are preempted, the CAA does not prohibit State and local agencies from permitting nonroad engines, or from regulating the use of nonroad engines. Therefore, State and local agencies may still require offsets, and set limits on hours of operation or mass emission rates affecting portable engines. Requirements of this type previously imposed under preconstruction permits or other SIP rules continue to be in effect.

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[2] See letter from Alan W. Eckert, Associate General Counsel, Air and Radiation Law Office, to Kathleen Walsh, General Counsel, California Air Resources Board, dated March 20, 1998.

Attachment 1

Definition of Portable

Portable means designed and capable of being carried or moved from one location to another. Indica of portability include, but are not limited to, wheels, skids, carrying handles, dolly, trailer, or platform. For the purposes of this regulation, dredge engines on a boat or barge are considered portable. The engine or equipment unit is not portable if any of the following are true:

1) the engine or equipment unit or its replacement is attached to a foundation, or if not so attached, will reside at the same location for more than 12 consecutive months. Any engine or equipment unit such as back-up or stand-by engines or equipment units, that replace engine(s) or equipment unit(s) at a location and is intended to perform the same or similar function as the engine(s) or equipment unit(s) being replaced, will be included in calculating the consecutive time period. In that case, the cumulative time of all engine(s) or equipment unit(s), including the time between the removal of the original engine(s) or equipment unit(s) and installation of the replacement engine(s) or equipment unit(s), will be counted toward the consecutive time period; or
2) the engine or equipment unit remains or will reside at a location for less than 12 consecutive months if the engine or equipment unit is located at a seasonal source and operates during the full annual operating period of the seasonal source, where a seasonal source is a stationary source that remains in a single location on a permanent basis (i.e., at least two years) and that operates at that single location at least three months each year; or
3) the engine or equipment unit is moved from one location to another in an attempt to circumvent the portable residence time requirements.

[The period during which the engine or equipment unit is maintained at a storage facility shall be excluded from the residency time determination.]

CCR Title 13, Sections 2450-2465, September 17, 1997